United States Court of Appeals

for the Second Circuit

APPELLEE'S BRIEF

75-1025

To be argued by
JOHN N. BUSH

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 75-1025

UNITED STATES OF AMERICA,
Appellee,

—v.—

LARRY WILLIAMSON,
Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BRIEF FOR THE UNITED STATES OF AMERICA

PAUL J. CURRAN,
United States Attorney for the Southern District of New York, Attorney for the United States of America.

JOHN N. BUSH,
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Assistant United States Attorneys, Of Counsel.

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Preliminary Statement

Larry Williamson appeals from a judgment of conviction entered on December 19, 1974, in the United States District Court for the Southern District of New York after a five day trial before the Honorable Irving Ben Cooper, United States District Judge, and a jury.

Indictment 74 Cr. 579, filed on June 6, 1974, charged the defendant in four counts with the robbery of mail matter from four postal service employees (Count Two), with the use of dangerous weapons to effect the robbery (Count Three), with the theft of the mail matter (Count Four) and with conspiracy to do the same (Count One), in violation of Title 18, United States Code, Sections 2114, 1708 and 371, respectively. Williamson's trial commenced on November 11, 1974 and concluded on November 15, 1974, when the jury found him guilty on all counts.

On December 19, 1972, Judge Cooper sentenced Williamson to the maximum possible penalty pursuant to the provisions of Title 18, United States Code, Section 4208(b) in order to permit a psychiatric study to be conducted before imposing a final sentence. Williamson has chosen to appeal from this judgment.* Final sentence has not yet been imposed.

Statement of Facts

The Government's Case

Between 1968 and 1972, Larry Williamson worked for the United States Post Office, spending the last two years of his employment as a regular city carrier at the Boulevard post office in the Bronx. His employment terminated in March 1972 (Tr. 305-317).** Shortly after his employment was terminated, Williamson talked with Arthur Campbell about robbing a mail truck, and in the course of this discussion, he told Campbell of the routes mail trucks followed in the Bronx, the best time to rob a truck and how such a robbery could be accomplished without much trouble (Tr. 127-130).

On June 16, 1972, Williamson met with Campbell, Bruce Leathers and Douglas Simon, and late in the afternoon, they drove together to the vicinity of the Boulevard post office.*** On the way to the post office, the four men dis-

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* An appeal may be taken from either the Section 4208(b) sentence or the final sentence. *Corey* v. *United States*, 375 U.S. 169 (1963).

** "Tr." refers to the trial transcript; "GX" refers to Government exhibits; "Def. Ex." refers defense exhibits; "Br." refers to defendant's brief.

*** Each of the defendant's co-conspirators was separately charged for their role in the robbery and each plead guilty before trial. Simon testified as a Government witness at defendant's trial; neither of the other men testified, although Arthur Campbell was produced for the trial at defendant's request.

cussed the robbery which they were about to perpetrate. Williamson advised the others that the mail bags with the locks on them were the ones that should be stolen. They reached the post office at about 6:00 P.M. After circling the post office twice, Leathers and Simon armed themselves with pistols, got out of the car and entered the parking area behind the building. Leathers wore a post office jacket. (Tr. 3-10, 44-48, 130-134).

Leathers and Simon crossed the open yard quickly and jumped up on the rear loading platform where they confronted three Postal Service employees. They first asked for an employee named King * and then drew their weapons. They forced the three employees to open a mail truck known as the "Circuit Wagon" parked at the ramp, which was on a route picking up cash and registered mail for delivery to the Bronx general post office.** At this juncture, a fourth Postal Service employee emerged from the building and startled the robbers. Leathers responded by striking this man on the side of the head with his pistol. All four men were then directed into the open mail truck, two bags with locks were removed, the rear door of the truck was shut and the robbers fled (Tr. 11-20, 379-388, 397-406, 406-419, 424-432).

Campbell and Williamson picked up Leathers and Simon shortly after they had fled, and the four men drove to an apartment on 174th Street in the Bronx. In the apartment, the two mail bags were cut open and the cash proceeds of the robbery were put into four separate piles of about $3,000 each.*** After each of the men took one of the stacks of

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* King was one of defendant's fellow employees at the Boulevard post office when he worked there (Tr. 420-424).

** The robbery took place on a Friday afternoon when the Circuit Wagon would ordinarily be carrying more money than at any other time during the week (Tr. 303-305).

*** A total of $12,296.00 in cash was actually stolen from the mail truck (Tr. 339-348, 353-369, 372-377, 388-393; GX 4, 5, 5B,

[Footnote continued on following page]

money, the four robbers separated, Simon and Leathers leaving the apartment first (Tr. 20-29, 42-43).

Early that evening, a friend of the robbers, Robert Watts, picked up Campbell in Pomona, New York and drove with Campbell back to the Bronx where they picked up Williamson. After further stops to pick up female companions, Watts drove the two men and their companions to Kennedy Airport. At the airport, Campbell and Williamson bought tickets, possibly in assumed names, and flew to Florida (Tr. 134-140, 318-339; GX 28). After returning from Florida, Williamson admitted to both Robert Watts and Fred Howe that he in fact had participated in the robbery (Tr. 140-142, 246-250).

The Defense Case

The defendant called Victoria Taylor as an alibi witness.* She testified that on a Friday evening in June 1972, she had been with defendant and his wife in their apartment from 5:30 p.m. until late at night when Arthur Campbell came to the apartment and Williamson left with Campbell to fly to Florida. She was unable to place the date when this occurred, but said it was the Friday before the weekend when she and Mrs. Williamson also had flown to Florida. When shown an airline ticket with her name on it (Def. Ex. C), she deduced that the Friday in question must have been June 16, 1972 (Tr. 442-453, 484-487). On cross-examination, it was established that her memory as to the date she was in defendant's apartment was based solely on

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6, 6B, 7, 7B). Several months after the robbery one of the mail bags was found exactly where Campbell and one of his friends, Fred Howe, had disposed of it (Tr. 142-143, 250-252, 284-288, 289-292; GX 2, 3).

* Defendant also called a Post Office employee in an attempt to establish the amount of pension he should have received when his employment with the Post Office was terminated (Tr. 489-498). See Point II, *infra*.

the date appearing on Def. Ex. C, which may or may not have been the day before she actually flew to Florida (Tr. 333-334). Other details of her memory also were shown to be hazy (Tr. 454-484, 487-489).

ARGUMENT

POINT I

Defendant's trial was conducted fairly and impartially.

Defendant claims that he was denied a fair trial because the District Court was overly hostile to him and his counsel throughout the trial and that this hostility was manifested by comments to his counsel and by the trial judge's manner in questioning various witnesses called by both sides. A dispassionate reading of the record, however, shows that Judge Cooper's questions were motivated solely by a desire that the jury obtain a clear and complete picture of the testimony being presented and had no unfair impact on the trial. Furthermore, the record establishes that the trial was conducted evenhandedly and that Judge Cooper gave an unexceptionable and impartial charge to the jury. Finally, the record makes clear that the reprimands administered to defense counsel were warranted by the unprofessional and improper tactics he frequently chose to employ, were for the most part expressed outside the presence of the jury and neither prejudiced the defendant nor intimidated defense counsel in his presentation of the defense case.

A. The Trial Judge's Actions Were Evenhanded.

In evaluating defendant's claim that his trial was unfairly conducted, this Court must closely scrutinize "each tile in the mosaic of the trial" to determine whether the verdict, rather than being based on the evidence, was im-

permissibly influenced by bias of the trial judge. *United States* v. *Nazzaro*, 472 F.2d 302, 304 (2d Cir. 1973); *see also, United States* v. *Weise*, 491 F.2d 460, 467-470 (2d Cir.), *cert. denied*, 95 S. Ct. 58 (1974). There is no support in the record that defendant's conviction was tainted by bias on the part of Judge Cooper.

Although defense counsel was admonished on several occasions for his tactics, Judge Cooper time and again took steps to insure that defendant received a fair trial. To begin with, he directed the Government to assist defense counsel wherever feasible in his belated efforts to gather evidence for the defense (Tr. 33). In the same vein, he courteously insured that defendant's major witness would be present in court to testify on defendant's behalf (Tr. 435-436). During the trial itself, he often exercised his discretion in favor of defendant and gave defense counsel great latitude on cross-examination (Tr. 171, 179-180, 254-255, 258-259, 316-317). His rulings on objections were made in an impartial manner (Tr. 59-60, 79-80, 92, 93-94, 121-122, 233-234, 260). Moreover, when he believed circumstances warranted it, he was as quick to rebuke the prosecutor as, on other occasions, he had been to reprimand defense counsel (Tr. 22-23, 633-639). In sum, the trial was conducted in an evenhanded fashion.

Equally important, Judge Cooper forcefully instructed the jury that they were to disregard comments by and the conduct of court and counsel during the course of the trial (Tr. 556-558).* Thus, for example, the district judge instructed the jury that:

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* Defendant contends that Judge Cooper "did not instruct the jury to ignore the exchanges between Defense Counsel and the Judge." (Br. at 23). While Judge Cooper may not have literally said this in his charge, the substance of what he did say on this point more than adequately apprised the jury that such comments were not evidence and were to be ignored.

> "We are concerned not with counsel, we are concerned with this defendant on one side and the Government on the other. Whether you like counsel has nothing at all to do with it. Whether you like the judge doesn't mean a blessed thing. You are not here to pass on us. You are here to pass on the facts and the law as it relates to this criminal charge against this defendant." (Tr. 557).

Furthermore, he emphasized that the jurors were the *sole* judges of the facts in the case (Tr. 560-564, 607).

Judge Cooper also stated and restated the importance of the role which the jury played (Tr. 555-556, 561-563, 620-621). Similarly, he spelled out in detail the legal principles which were to guide the jury in its deliberations (Tr. 564-571). His charge on the substantive law, moreover, was a model of clarity, with which defense counsel had no substantive argument (Tr. 622-623). As a result, whatever few comments the jury may have overheard between court and counsel (Point C, *infra*), comments which the jury with common sense must have realized were the inevitable by-product of the stress and strains of a trial, were cured by the instructions which the trial judge gave. *See United States* v. *Carrion*, 463 F.2d 704, 709 (9th Cir. 1972); *United States* v. *D'Anna*, 450 F.2d 1201, 1206 (2d Cir. 1971); *United States* v. *Curcio*, 279 F.2d 681, 682 (2d Cir.), *cert. denied*, 364 U.S. 824 (1960).

B. The Trial Judge Did Not Interject Himself Improperly In The Trial.

A trial judge may not, of course, replace the prosecutor by assuming his role in aggressively questioning witnesses. *United States* v. *Fernandez*, 480 F.2d 726, 735-738 (2d Cir. 1973). He is, however, much more than a mere umpire and has an affirmative duty to see that justice is done. The one real limit on his intervention in a trial is not the number

of questions he may ask but that he not convey to the jury an opinion on the defendant's guilt or innocence. *United States* v. *Cuevas,* Dkt. No. 74-2110 (2d Cir. Feb. 10, 1975), slip op. 1719 at 1722; *United States* v. *McCord,* Dkt. No. 73-2252 (D.C. Cir. Dec. 12, 1974).

During the early stages in the direct examination of the Government's first witness, Douglas Simon, Judge Cooper did vigorously begin to question the witness (Tr. 4-8, 22-29). But his questions were designed to insure that the jury got a complete story, *United States* v. *Miley,* Dkt. No. 74-2207 (2d Cir., March 19, 1975), slip op. 2363, at 2386; *United States* v. *Tyminski,* 418 F.2d 1060, 1062 (2d Cir. 1969), *cert. denied,* 397 U.S. 1075 (1970), and they did not display any hostility towards defendant. The trial judge's questions to succeeding witness were for the most part minimal and were equally balanced between questions put during direct and during cross examination. In the vast majority of instances when he interjected a question during cross examination, he did so, not to disrupt, but to assist defense counsel in bringing out a point which he was attempting to make.

To take one example, defendant complains of Judge Cooper's alleged interference with his counsel's cross examination of Douglas Simon (Br. 22, 27-29).* In the course of some 65 pages of transcript covered by this cross examination, Judge Cooper interrupted defense counsel's questioning of Simon approximately 25 times (Tr. 49-115). With but few exceptions, these interruptions were momentary in nature and were designed to help defense counsel.**

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* Defendant also refers to innumerable other sections of the record to support his contention that Judge Cooper's questioning of witnesses favored the Government. A close reading of these sections shows, however, that either the comments referred to are insignificant or, when considered in context, harmless.

** Tr. 54-55, 56, 61, 62-63, 75, 77, 78, 79-80, 80-82, 87, 87-88, 88, 89, 91, 93, 94-95, 112.

Of the few remaining occasions, only one requires discussion.* During his cross, defense counsel introduced into evidence a signed statement made by Simon (Def. Ex. A). His purpose in doing so was apparently to show that Simon said in the statement that he and his cohorts had netted $10,000 or $11,000 from the robbery, whereas at trial he testified that each of the four men involved had received "close to $3,000" as his share of the proceeds (Tr. 102-105). Following this, Judge Cooper stepped in to ask whether the witness felt there were any inaccuracies in his statement and directed that the statement be read to the jury (Tr. 106-110). By itself, the judge's actions on this occasion would hardly have given the jury the impression he favored one side or the other in the trial. Nothing in the totality of questions he propounded at any other point during the trial alters this conclusion in any respect.

C. The Trial Judge Was Warranted In Reprimanding Defense Counsel; His Actions In This Respect Did Not Prejudice Defendant.

On several occasions during the trial, Judge Cooper sternly reprimanded defense counsel, indicating more than once that he believed that defense counsel was engaged in unscrupulous, if not contemptuous, behavior (Tr. 64, 236-241, 278-283, 364-368, 502-503).** These reprimands were

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* Besides the occasion covered in the text, there were four other interruptions. In one, Judge Cooper at defense counsel's request ordered the prosecutor to turn over Simon's "rap sheet" to defense counsel (Tr. 61-62). The remaining three had to do with the proper procedure in cross examining a witness about a prior inconsistent statement (Tr. 97-101, 102, 113-114), a point which is covered below (Point III, *infra*).

** At a pretrial conference on June 17, 1974, Judge Cooper rebuked defense counsel for what he believed, with some justification, to be misrepresentations concerning the reasons defense counsel gave for postponing the trial of his client.

almost entirely administered outside of the presence of the jury. Nevertheless, in the face of defendant's complaint about them, the more important incidents are discussed herein in order to establish that the judge did not act without reason.

Perhaps the one incident which engendered the greatest acrimony from Judge Cooper was defense counsel's repeated questioning of Robert Watts about alleged prior acts of misconduct unconsummated by any conviction and in large part unrelated in any conceivable way with the crimes covered by Indictment 74 Cr. 579. These questions were propounded again and again even though objections to them had been repeatedly and quite properly sustained, *United States* v. *Miles*, 480 F.2d 1215, 1217 (2d Cir. 1973); *United States* v. *Kahan*, 479 F.2d 290, 294-295 (2d Cir. 1973), *rev'd on other grounds*, 415 U.S. 239 (1974), and even though counsel had been sternly told not to pursue them (Tr. 224-229, 235-236). Defense counsel initially sought to justify the propriety of these questions by asserting that they would establish a motive for the witness to testify (Tr. 226) but, when given ample opportunity to explain his tactics, he could only lamely state that the questions he posed were based on information provided him by a convicted co-conspirator who refused to testify and that they related in some undefined fashion to the crime in question (Tr. 238-241, 278-280, 282-283, 441-441a). In truth, the questions were a thinly disguised effort to tar the witness by innuendo, and Judge Cooper's displeasure was fully justified.

The second incident warranting comment relates to a ticket stub bearing defendant's name (Def. Ex. C for identification; received in evidence as GX 28), which defense counsel used in questioning the same witness. Watts had testified, *inter alia*, that he had driven defendant to Kennedy Airport late on the evening of June 16, 1972, where

he said defendant had purchased a ticket using an alias. Exhibit 28 has the name "L. Williamson" on it and bears most prominently the date of June 19, 1972. By using the ticket skillfully on cross examination, defense counsel left the inference both that Watts was wrong about defendant's use of an alias and, more importantly, that he was also wrong about the critical date when defendant had flown out of New York (Tr. 199-200). This latter inference was dispelled when the Government called a ticket agent, who testified that the fine print on the ticket indicated it had been exchanged for another ticket originally issued on June 16, 1972 (Tr. 323-339). This incident, coming shortly on the heels of defense counsel's previously mentioned improper cross examination of the same witness, not unnaturally generated a new suspicion that defense counsel was engaging in misleading tactics, which defense counsel's explanations did little to remove (Tr. 364-368).

While the first of these incidents lead Judge Cooper to caution defense counsel in front of the jury (Tr. 225-229, 235-236), neither incident resulted in a discernible display of hostility between judge and counsel heard by the jury. The only incidents which provoked any comment of this nature in front of the jury were when defense counsel asked the judge to give him equal treatment (Tr. 43, 96-97)* and when he indicated by his expressions that he felt he had been slighted by the judge (Tr. 64).** These exchanges were extremely brief in nature and, as in *United States* v.

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* The trial judge subsequently patiently explained to counsel the reason his actions in this regard had displeased him (Tr. 151-153).

** On other occasions, defense counsel also gave Judge Cooper indignant looks (Tr. 502-503). In fairness to defense counsel, the record reveals that Judge Cooper did not hesitate to question any of the participants in the trial—counsel, defendant or jurors—when he believed their demeanor was less than what he expected of them (Tr. 153-157, 498-500).

Ross, 321 F.2d 66, 66 at n.3 (2d Cir.), *cert. denied,* 375 U.S. 894 (1963), were directed toward the behavior of counsel and not the merits of the case.

The trial judges reprimands for the most part, then, were made outside the presence of the jury, were provoked by defense counsel and did not create the impression to the jury that he believed in defendant's guilt. Moreover, it is plain from the record that the judge's actions did not intimidate counsel in his defense of the case, *United States* v. *Carrion, supra,* 463 F.2d at 709, for one admonishment seemed to have no other effect than to prompt yet another questionable tactic. Accordingly defendant's trial was not prejudiced by any hostility the District Court judge may have felt. *United States* v. *Weiss, supra; United States* v. *Boatner,* 478 F.2d 737, 739-742 (2d Cir.), *cert. denied,* 414 U.S. 848 (1973).

POINT II

Defendant's character was not unfairly attacked by the prosecutor.

Defendant contends that the prosecutor unfairly attacked his character, which had not been put in issue. In the first instance, he argues that in his summation (Tr. 549-550) and during the cross examination of a defense witness called to establish what pension defendant received when he left the employ of the Post Office (Tr. 494-495), the prosecutor improperly implied that defendant had been fired from his Post Office job. The testimony put before the jury in the Government's case was that defendant's employment had been "terminated" in March, 1972 (Tr. 311).* The prosecutor in his summation said nothing substantially

* As is clear from portions of the record not before the jury, defendant was fired for cause (GX 8 for identification; Tr. 501).

different. With respect to the cross examination of the defense witness, even if the jury could have concluded from the prosecutor's questions that defendant had been fired, no error was committed. First, defense counsel clearly opened the door to exactly this line of inquiry when he called a Postal Service employee to testify about the amount of retirement money which the defendant was entitled to have paid to him when he left the Post Office—an issue obviously affected by the reasons for terminating his employment (Tr. 489-494).* Second, the evidence that defendant was fired for cause should have been admitted in any event to establish a motive for defendant's participation in the robbery. Under these circumstances, the alleged error was, harmless.

Defendant's second point is equally frivolous. Commenting in his summation on the credibility of a government witness, Douglas Simon, the prosecutor stated:

> "First let's take Mr. Simon. [As] I understand it, defendant's point is that Mr. Simon is a convicted felon serving a sentence of some six to eighteen years and as a result he and unidentified members of the Government got together, made a deal pursuant to which he would testify and blame it all on Williamson and then he would somehow or other end up with free and happy time of things, or so the story seems to go. The Government does not minimize the defendant's criminal record—I'm sorry, Simon's criminal record. He is, in fact, serving a sentence

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* By being secretive about his plans, defense counsel made it almost certain that Government counsel would ask exactly the questions which were asked. If defense counsel had simply requested the prosecutor to stipulate the amount of defendant's pension, the figure could have been obtained and, if at all relevant, stipulated to. Instead, defense counsel sought to make the issue a surprise and brought about the questions concerning which he now complains (Tr. 500-501).

> of some six to eighteen years in prison. That sentence, however, common sense will tell you, negates any deal that he is going to make with the Government . . ." (Tr. 537-538).

The prosecutor's error—such as it was—was simply a slip of the tongue, which he immediately corrected. *Posey* v. *United States*, 416 F.2d 545, 552-553 (5th Cir. 1969), *cert. denied*, 397 U.S. 946 (1970); *United States* v. *Fortney*, 399 F.2d 406, 408 (3d Cir. 1968); *Cf. United States* v. *Rosa*, 493 F.2d 1191, 1195 (2d Cir. 1974). Moreover, it is abundantly clear from the context of the remark that the prosecutor was referring to Simon, not the defendant. Finally, any conceivable misimpression which the jury might have received was cured by the trial judge's careful instruction on the matter when the slip of the tongue was called to his attention (Tr. 611-612). *See United States* v. *Mallach*, 503 F.2d 971, 978-979 (2d Cir. 1974).

POINT III

The trial judge properly exercised his discretion in controlling the manner in which prior inconsistent statements could be used to impeach.

Defendant claims that the cross-examination of various Government witnesses was severely limited when the District Court adopted the rule of *The Queen's Case*, 2 B. & B. 284, 286-290, 129 Eng. Rep. 976, 11 Eng. Rul. C. 183 (1820) in connection with his counsel's attempt to use prior statements made by those witnesses in questioning them. With respect to such statements, the trial judge early in the case *

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* There was an initial period of confusion on this matter (Tr. 89-91, 97-102, 113-114). Part of this was due to defense counsel's attempt to read from documents which were neither in

[Footnote continued on following page]

set forth the procedure which he wanted both counsel to follow. He made this procedure explicit by way of the following example:

> "[Suppose] [t]he witness says, I was not in New York City on July 1, 1972.
>
> Mr. Witness, I show you your Grand Jury testimony marked such and such a number for identification. Will you look at page such and such, line such and such dealing with this very same question as to your being in New York City on July 1, 1972. Will you please look at it.
>
> The witness looks at it. Have you studied it? Yes. Are you finished? Yes. What do you say now, sir? Were you or were you not in New York City on July 1, 1972? The witness says I was in New York City, or, the witness says I still say I was not in New York City on July 1, 1972.
>
> But in your Grand Jury testimony didn't you say you were in New York City on July 1, 1972?" (Tr. 149).

This method does approximate the rule in *The Queen's Case*,* and, as defendant correctly points out, this rule need no longer strictly be followed. *United States* v. *Dilliard*, 101 F.2d 829, 837 (2d Cir. 1938); *see, also, Federal Rules of Evidence*, Rule 613. The abrogation of the strict application of this rule in the *Dilliard* case did not mean, however,

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evidence nor subscribed to by the witness and which could be used solely to refresh the witness's recollection (Tr. 89-91). Regardless of whether the trial court was applying the rule in *The Queens Case* or not, this was improper. Whatever confusion existed, however, was cleared up during a recess (Tr. 144-151), and defendant was given ample opportunity to recall Douglas Simon, the only witness whose cross examination had been affected (Tr. 121, 211-212, 242-243).

* For a complete discussion of the rule in *The Queen's Case*, see 4 Wigmore, *Evidence* §§ 1259, *et seq.* (Chadbourne rev. 1972).

that the trial judge was not free to adopt a procedure capturing the substance of the rule previously required. In the absence of a clear showing of prejudice created by the use of such a procedure, the trial judge's discretion in this area has been uniformly upheld. *United States* v. *Hibler*, 463 F.2d 455, 462 (9th Cir. 1972); *United States* v. *Bernstein*, 417 F.2d 641, 644 (2d Cir. 1969). The defendant has not demonstrated that any prejudice resulted from the procedure required by the District Court. (Tr. 230-233, 270-272, 274-276).

CONCLUSION

The judgment of conviction should be affirmed.

Respectfully submitted,

PAUL J. CURRAN,
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JOHN N. BUSH,
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Form 280 A - Affidavit of Service by mail

AFFIDAVIT OF MAILING

State of New York)
County of New York)

Olga C. Grampp being duly sworn, deposes and says that s he is employed in the office of the United States Attorney for the Southern District of New York.

That on the 28th day of March, 1971 s he served a copy of the within BRIEF. by placing the same in a properly postpaid franked envelope addressed:

Stuart R. Shaw, Esq.
600 Madison Ave.
New York, N.Y. 10022

And deponent further says that he sealed the said envelope and placed the same in the mail drop for mailing the United States Courthouse, Foley Square, Borough of Manhattan, City of New York.

Olga C. Grampp

Sworn to before me this

8th day of April, 1975

Jeanette Ann Grayeb

JEANETTE ANN GRAYEB
Notary Public, State of New York
No. 24-1541575
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1975